

II. REMARKS

Upon entry of this Amendment, claims 12 to 17 and 20 to 25 will be pending. Claims 1, 18, and 19 are canceled without disclaimer of, or prejudice to, the underlying subject matter; claims 2 to 11 were previously canceled without disclaimer of, or prejudice to, the underlying subject matter. No new matter is added.

1. Election/Restriction – Request for Rejoinder:

The Examiner withdrew claims 20 to 25 from consideration “as being directed to a non-elected invention” Office Action at page 2. The Applicants respectfully traverse and request rejoinder of claims 20 to 25 pursuant to U.S. Patent and Trademark Office procedure as set forth in M.P.E.P. § 821.04.

M.P.E.P. § 821.04 states that “(i)n order to be eligible for rejoinder, a claim to a nonelected invention must depend from or otherwise require all the limitations of an allowable claim.” Claims 20 to 25 all depend from or otherwise require all the limitations of allowable claim 12. Further, M.P.E.P. § 821.04(a) states that “claims that require all the limitations of an allowable claim will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104.” (emphasis added). Finally, M.P.E.P. § 821.04(a) goes on to state that “(a)n amendment presenting additional claims that depend from or otherwise require all the limitations of an allowable claim will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier.” (emphasis added). The Applicants presented claims 20 to 25 in the Amendment submitted along with the Request for Continued Examination (RCE), filed on July 21, 2006.

Based on the directives set forth in M.P.E.P. § 821.04, the Applicants respectfully submit that claims 20 to 25 were properly presented and, because they depend from an allowable claim, they should be entered as a matter of right. Therefore, the Applicants respectfully request rejoinder, and allowance, of claims 20 to 25.

2. Claim Rejection under 35 U.S.C. § 112:

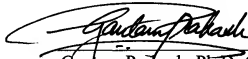
Claims 1, 18, and 19 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement and written description requirements. Office Action at page 3. Claims 1, 18, and 19 are canceled without disclaimer of, or prejudice to, the underlying subject matter and the Applicants respectfully submit that this rejection is moot. Therefore, the Applicants respectfully request withdrawal of this rejection.

III. CONCLUSION

In view of the foregoing amendments and remarks, the Applicants respectfully submit that the present application is now in condition for allowance, and respectfully request notice of such. The Examiner is encouraged to contact the undersigned at 202-942-5746 if any additional information is necessary for allowance.

Respectfully submitted,

Date: December 21, 2006



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